

REMARKS

Within the Office Action, the Claims 1-37 have been subject to a restriction and/or election requirement. The Restriction Requirement indicates that Group I claims (drawn to a method of inquiring capabilities of a target device), Group II claims (drawn to a control device for communicating with a target device over a network and to a network of devices coupled together by a standard IEEE 1394 serial bus for communications) and Group III claims (drawn to non-statutory subject matter, i.e., data per se) are directed to distinct inventions. The Applicant notes that Group I claims include Claims 1-11 and 30-33, Group II claims include Claims 12-21 and Group III claims include Claims 22-29. The Applicants elect, without traverse, Group I including Claims 1-11 and 30-33 for continued prosecution. The Applicant expressly reserves the right to file one or more divisional applications directed toward the non-elected groups. Further, the Applicant does not agree with the characterization of Claims 22-29 as drawn to non-statutory subject matter, but reserves this argument for another application.

As a result of this election, Claims 1-11 and 30-33 remain pending in this application. The Applicant respectfully requests examination and reconsideration in view of the amendments above and remarks above.

For the reasons given above, Applicants respectfully submit that all of the pending claims are now in condition for allowance, and allowance at an early date would be greatly appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: September 29, 2004

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CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: 9-29-04 By: Tim D. Rusan